HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 928 of 2006 (MS)

The Christian Well Fair Society, Saint Thomas Church Saharanpur ..... Petitioner

Versus

1. Executive Board of Methodist Church in India, through Power of Attorney Holder Sri D.P. Lal, Executive Secretary Agra, Regional Conference, M.C.R. r/o Hotman Institute R-2/1, M.G. Road Agra
2. Titu Peter District Superintendent, Muzaffaranagar and Roorkee, R/o C.M.H. 472 Civil Line Roorkee, District Haridwar.
3. Mr. Sunil Singh Convener Property, Committee of Agra Regional Conference, District Muzaffarnagar
4. Sri O.C. Samual s/o Late Sri N.M. Samual
5. S.P. Singh s/o Sri Man Singh, Both Old Tenants, Premises No. 46 Civil Lines
6. Lalit V. Verma s/o late R.S. Mansey Verma, R/o Sheir Kothi, Civil Lines Roorkee, District Haridwar

..... Respondents

Sri Pawan Kumar, Advocate for the petitioner

Standing Counsel for the respondents.

Dated: 19.7.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 27.3.2006 passed by the District Judge, Haridwar.

By the impugned order permission was granted to the respondents to sell 4000 squire metre land on market rate under Section 5-A of the Societies Registration Act.

The petitioner has brought to the notice of the Court that there is a suit No. 120 of 2000, the Christian Welfare Committee vs. Satpal Sharma and another, pending in the

Court of Civil Judge, (SD) Roorkee where the petitioner sought permission to be impleaded under Order 1 Rule 10 C.P.C but the said permission has been refused and as such the petitioner being necessary party should have been heard before passing order permitting sale of the property under section 5-A of the Societies Registration Act.

Liberty is, therefore, given to the petitioner to apply before the District Judge bringing all these facts in his notice. If such an application is filed within a month after obtaining the certified copy of this order, the same shall be disposed of by the District Judge in accordance with law.

Subject to the aforesaid observations, writ petition is dismissed.

Dated: 19.7.2006 **Rajesh Tandon, J.**

*Dhyani